

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ERIN SMITH,

3:14-CV-00707-ST

Plaintiff,

ORDER

v.

JAMES BRADFORD SMITH and
SMITH & GREEN COMPANY,

Defendants.

BROWN, Judge.

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#34) on September 16, 2014, in which she recommends this Court grant in part and deny in part Defendant Brad Smith's Motion (#22) to Compel Arbitration and Dismiss Complaint. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. See *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Stewart's Findings and Recommendation (#34). Accordingly, the Court **GRANTS in part** and **DENIES in part** Defendant's Motion (#22) to Compel Arbitration and Dismiss Complaint by requiring Plaintiff to resolve her claims against Defendant Smith through arbitration pursuant to Section 10.10 of the Operating Agreement.

The Court also stays this action on condition that Defendant Smith files proof he has commenced arbitration no later than December 1, 2014.

IT IS SO ORDERED.

DATED this 27th day of October, 2014.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge